CHAPTER 3

CONTENTS **PASSING A BILL**

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PASSING A BILL

Legislative procedure involves mainly motions, resolutions, and bills. Motions control the internal operations of a legislative house. Resolutions are ways of expressing opinions or doing a variety of things, other than enacting laws. Bills are used to enact laws. This chapter describes the handling of bills, and to some extent of resolutions. Specific floor procedures used for those purposes are described in Chapter 6: House (or Senate) Manual of Procedures.

Kinds of Bills

Bills, and the laws that result from them, can be classified into three types: substantive, revisory, and appropriations.

Substantive bills propose to enact new laws, or to amend or repeal existing ones, in ways that would have substantive effects on the state's permanent body of law.

Appropriations bills propose to authorize expenditures of public funds by state agencies, in specific amounts, for specific purposes—usually for only one fiscal year. Under the Constitution, appropriations bills must be limited to that subject; they cannot contain substantive matter.[1]

Revisory bills propose nonsubstantive changes or correct minor errors in laws. They replace obsolete references with current ones, rearrange provisions, or resolve inconsistent changes in the same section. Revisory bills are exempt from the constitutional single-subject requirement, so a revisory bill can affect many laws on a variety of subjects and may be hundreds of pages long.

Form of Bills

Regardless of their type, all bills are printed in the same general format. Each bill has a cover page giving its number (starting with Senate Bill 1 and House Bill 1 in each General Assembly), and listing its sponsor(s), any statutory sections it proposes to amend, and a synopsis of its contents. (The synopsis on the cover page summarizes the bill only as introduced; it does not change to reflect amendments to the bill.)

The second page begins with the bill's official (long) title and the enacting clause. Then, if it is an amendatory bill, its first section may name an existing law and list the section(s) of that law to be amended. The bill may have more than one amendatory section, each proposing amendments to a different existing

law. Immediately above each section of existing law that is shown with proposed changes, a citation in parentheses tells where that section is in the Illinois Compiled Statutes. Proposed additions to existing laws are underlined and text to be deleted is ~~struck through~~. But there is no underlining or striking through in sections proposing entirely new acts.

If a bill proposes to repeal an entire section or an entire act, it does not reprint the text to be repealed. Instead, it simply names the act and says that one or more of its sections listed by number are to be repealed.

A bill proposing a new appropriation does not refer to acts or sections to be amended. Rather, it names the agency to which the appropriation is to be made and lists amounts to be spent for each purpose. On the other hand, a supplemental appropriation amends an existing appropriation, and thus is written as an amendatory bill.

Each line of a bill is numbered in its left margin to help in referring to parts of it when drafting amendments. Near the end of a bill, often in its last section, may be a date it is to take effect if enacted.

If a bill is passed by the first house with any amendments, it is "engrossed"—meaning that all changes made by amendment(s) in the first house are consolidated into the text. If both houses have approved a bill, it is "enrolled"—printed in its final legislative version, which will go to the Governor.

Bills, amendments, and conference committee reports are available to legislators on laptop computers provided in the State House complex.

Bills, amendments, and conference committee reports are available to legislators on laptop computers that are used in the House and Senate chambers and elsewhere. However, the paper versions of those documents are still used in some situations. New members should become familiar with the characteristics of printed bills and amendments in each house. These include a bar code that identifies each document by its LRB number, and a stamp saying "adopted" to indicate that a House committee amendment has been adopted.

Overview of Bill Procedure

The following paragraphs are a broad overview of how bills are passed. The text beginning on the next page gives more detail on passage procedures.

Three Readings

The Illinois Constitution requires a bill to be read by title on three different days in each house before passage.[2] When a bill is introduced, the Clerk of the House or Secretary of the Senate gives it a number and reads its title a first time. It is then referred to that house's Rules Committee for possible assignment to a standing (substantive) committee—unless at least three-fifths of the members elected vote to suspend the rule so requiring and allow it to go directly to a standing committee (which rarely happens). If the substantive committee to which a bill has been assigned recommends that it "do pass," the bill will be returned to the full house and put on the order of Second Reading. When a bill is on Second Reading, amendments to it can be proposed on the floor. But such "floor amendments" cannot be considered by the full body

unless they are approved by its Rules Committee. On completion of this order, the bill is ready for Third Reading, on which it can be debated and either approved or rejected.

If a bill passes the first house, it goes to the second house—where the three readings, with committee review, amendment, and debate are repeated. If the second house approves it with no changes, it is then sent to the Governor.

If, on the other hand, the second house amends the bill and passes it in that form, the bill is returned to the first house for agreement ("concurrence") with those changes. If the first house concurs with those changes, the bill has passed both houses in the same form and will be sent to the Governor. But if the first house instead refuses to concur with some or all of the changes, it so advises the second house. If the second house refuses to withdraw ("recede") from its changes, it may ask that a conference committee be appointed. That committee, consisting of equal numbers of members from each house, will try to resolve the two houses' differences on the bill. If the conference committee is able to resolve those differences, it sends a report recommending its proposed version to both houses. If both houses accept the report, the bill has been passed and will go to the Governor. If either house rejects the conference report, a second conference committee may be appointed and similar procedures followed.

The Governor can sign the bill—the final step in enacting a law—or return it to the General Assembly with any of four kinds of vetoes allowed by the Constitution. The General Assembly can then accept the veto, or override it and enact its earlier version despite the Governor's objections.

Deadlines for Action

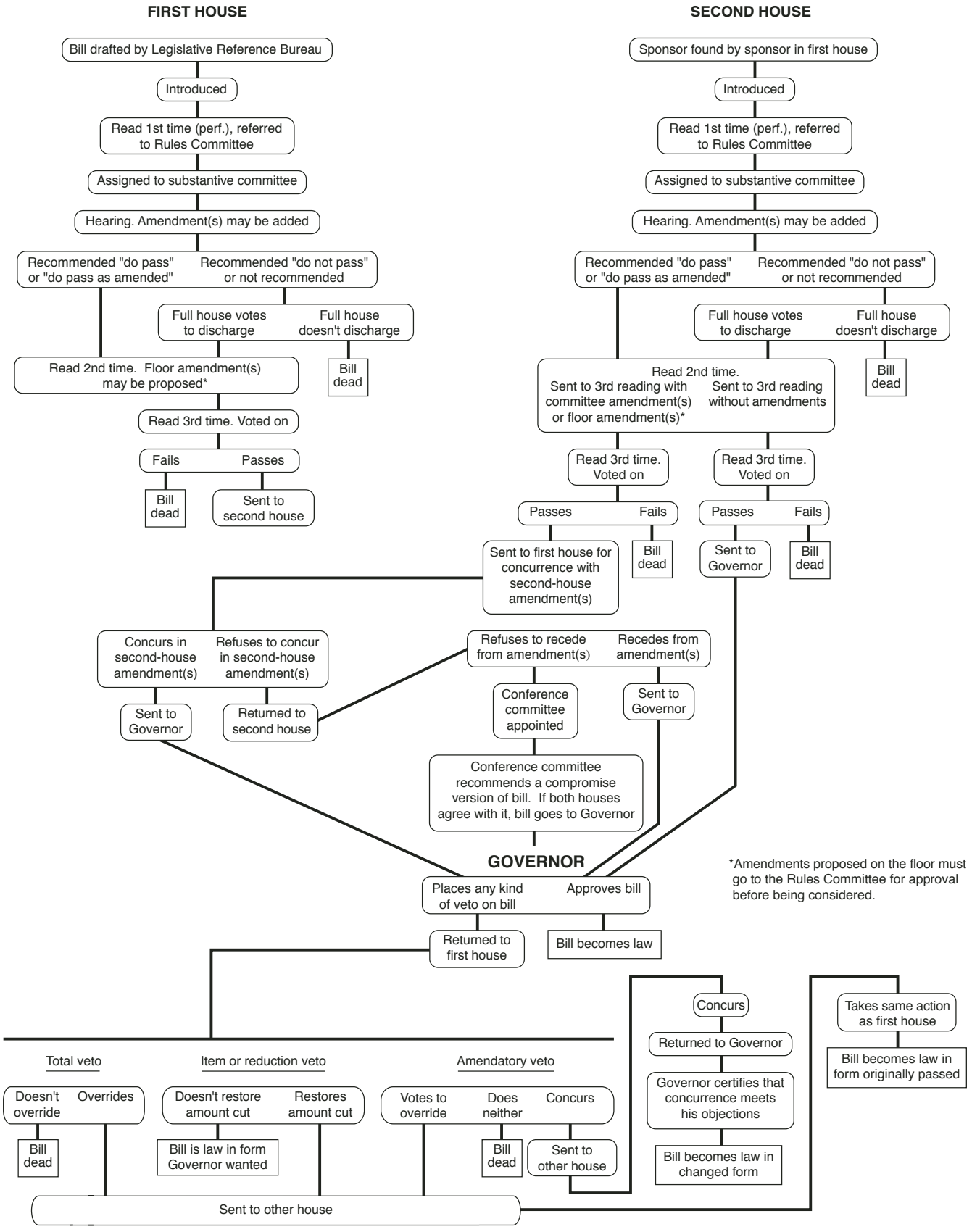
The rules set deadlines for getting bills past major hurdles in the legislative process—out of committee, passed by the house of origin, out of committee in the second house, etc. The General Assembly created these deadlines to reduce a problem that plagued legislative procedure for the first two-thirds of the twentieth century—logjams of bills at the end of session.

Until the deadlines were established in 1967, bills could be introduced and considered until the last days of a session. This allowed a large number of bills to be at various stages of the legislative process, even in the last month. Because there were so many bills to be considered in a short time, legislators felt overwhelmed, and sometimes gave the benefit of the doubt to bills they might have questioned if given more time.

The deadlines have not totally eliminated the long hours and heavy calendars at the end of each session. But they do help smooth out the workload, and allow a somewhat more deliberative consideration of bills and amendments.

The chart on page 4 shows in pictorial form the steps a bill must go through to become a law.

How A Bill Becomes Law in Illinois



Introduction, Sponsor, First Reading

To be introduced in either house, a bill must be sponsored by a member of that house. The sponsor usually gets the bill drafted by the Legislative Reference Bureau (LRB). The LRB provides enough additional copies of the bill to meet the filing requirements of that house (currently 12 in the Senate and 9 in the House). [3] The sponsor sends the required number of copies to the Clerk of the House or Secretary of the Senate. Then on a session day, when the order of business of First Readings of bills arrives, the Clerk or Secretary reads aloud the bill's number, principal sponsor, and title.

Duties of the Sponsor

The sponsor of a bill is its chief proponent and guide through that house.[4] The sponsor arranges for it to be heard in committee and for witnesses to testify on its behalf; solicits a favorable vote from committee members; tries to accommodate any acceptable objections to it with modifying amendments; defends it against unfriendly amendments in committee and on the floor; controls its call on the calendar on Second and Third Readings; opens and closes debate on it; and takes other steps useful in managing it on the floor. If the bill passes the first house, its sponsor should arrange with a member of the second house to sponsor it there; otherwise any member of the second house can sponsor it. The sponsor in the first house will sometimes testify for the bill in committee in the second house, and usually helps the sponsor there to promote passage. Rules of the House and Senate allow the sponsor of a bill in the first house to ask the second house to replace its sponsor there; such requests go to the Rules Committee of the second house for consideration.[5]

Other Sponsors

The principal sponsor of a bill controls its movement, but it can have either or both of two kinds of additional sponsors. The first are "chief co-sponsors" or "joint sponsors" (sometimes called "hyphenated" sponsors because their names follow hyphens, like the last two names in "Adams-Baker-Carr"). The rules allow one principal sponsor and no more than four chief co-sponsors in each house. The other kind of sponsors are ordinary co-sponsors, whose names are listed after commas or the word "and" (like the last two names in "Jones, Miller and Smith").[6] A principal sponsor often tries to get other sponsors who are of the other political party (to suggest nonpartisanship) and/or to get sponsorship from senior legislators—especially those with reputations for knowledge on the subject. But before agreeing to be a sponsor, a legislator needs to know what groups support or oppose the bill; who would benefit from and who would be harmed by it; and whether these interests are compatible with the legislator's political bases. Legislators also try to make sure that a bill they plan to help sponsor is not contrary to a position their party's leadership will take.

Committee Sponsorship

Occasionally a committee decides, by majority vote, to introduce and sponsor a bill itself. In such cases the committee chairman controls the bill, and the committee is listed as its sponsor. Bills sponsored by a committee cannot have individual co-sponsors.[7]

To Committee

After being introduced and read a first time, a bill goes to the Rules Committee, which may assign it to a standing committee for consideration and a recommendation. The chairman of each committee has principal responsibility for organizing and managing the work of the committee. A committee clerk keeps the committee records and takes the roll.

Committee Schedules

Standing committees meet at regular times and places each week. As circumstances require during the session, they set additional meetings at other times.

Committee Business

After bills are assigned to a standing committee, its chairman arranges for notices of all meetings, together with a list of bills scheduled for those meetings, to be posted at least as long before each meeting as the rules require. The chairman arranges with sponsors to schedule hearings on their bills; conducts meetings and sees that minutes are taken by the clerk; and at the end of the meeting sends the committee report on the bills to the Clerk of the House or Secretary of the Senate. The report includes a record of all roll calls taken on bills, and committee recommendations for action on them, along with any amendments the committee has adopted to them. Reports of House committees also include names of proponents and opponents testifying on them, and audio recordings of hearings.

If amendments are proposed in committee, the vote required to adopt each of them is a majority of the members appointed to the committee.[8]

Committee Recommendations

The rules allow a standing committee to make any of the following recommendations to the full house on each bill it considers:

> "Do pass" recommends that the bill pass in the form it was assigned to the committee.
>
> "Do pass as amended" recommends that the bill pass with one or more amendments adopted in committee.
>
> "Do not pass" recommends that the bill be tabled and receive no further consideration.
>
> "Do not pass as amended" recommends that the bill with one or more amendments adopted in committee be tabled.
>
> "Without recommendation."
>
> "Tabled" (in the House) or "re-referred to the Rules Committee" (in the Senate).[9]

Reports "without recommendation" are very rare. Any of the last four kinds of reports effectively kills a bill[10] unless the sponsor can get the full house to revive it. To do that, the sponsor files a motion to "take the bill from the table." If that motion gets the votes of three-fifths of the members elected (36 in the Senate or 71 in the House)—or the Rules Committee has recommended that the bill be taken from the table and it gets 30 votes in the Senate or 60 in the House—it is put on the calendar on the order it had before being tabled.[11]

But there is a strong tendency in both houses to sustain a committee's "do not pass" recommendation.

If a bill is on the Agreed Bill list (described later), the committee usually votes at the beginning of the hearing that it "Do Pass." This gets noncontroversial bills out of the way before witnesses testify on other bills.

Motion to Discharge Committee

Committees do not act on all bills sent to them. A bill that appears to have problems may be allowed to sit in committee until the deadline for committee action on bills, when it will automatically be re-referred to the Rules Committee and usually receive no further action.

If a committee has not reported back **un**favorably on a bill assigned to it, any member may file on the floor a motion in writing to discharge the committee from further consideration of the bill. (This is often tried if the sponsor wants to remove the bill from an unfriendly committee. It can also be attempted if the sponsor failed to present the bill in committee before the deadline for committee action.) If enough members (a majority of members elected in the House or three-fifths in the Senate) vote to discharge, the bill is taken out of committee and advanced to Second Reading.[12]

Subcommittees

A committee may create a subcommittee to consider particular matters, such as a bill or group of bills on some subject.[13] Reasons for this range from considering several bills on the same subject in the hope of sending a composite bill to the floor, to using a subcommittee to bury a bill. A subcommittee can make recommendations to its committee, but only a full committee can report bills to the full house.

Second Reading

After committee action on a bill, the Clerk of the House or Secretary of the Senate reads the committee report into the record on the next legislative day. Bills reported favorably are put on the order of Second Reading.

Second Reading can be a significant stage for a bill, especially if it is controversial. Debate on amendments may give a preview of debate on final passage. Opponents sometimes try to reduce a bill to meaninglessness with amendments, or "improve it to death" with amendments seemingly supporting it but actually multiplying its opponents. The sponsor defends the bill against hostile amendments. The sponsor may also try to amend the bill to compromise with opponents, or to make its meaning clearer.

However, in recent years the rules have considerably reduced the tactical importance of Second Reading. Second Reading was formerly used to propose surprise amendments or reintroduce amendments defeated in committee. It was also sometimes used by the minority party in each house to stall the proceedings and prolong debate. The rules now require that amendments proposed on the floor ("floor amendments") be automatically referred to the Rules Committee upon being filed. They cannot be considered by the full house unless allowed by the Rules Committee. The Rules Committee, in turn, can refer floor amendments to standing committees for review and consideration.[14]

Proposal of Amendments

All amendments must be in writing, and must be confined to the subject of the bill (described as being "germane" to it). Any member can offer an amendment to a bill while it is on Second Reading by taking the proposed amendment to the office of the Clerk of the House or Secretary of the Senate, where it will be filed in the proper order. But as noted above, it must go to the Rules Committee to decide whether the full house can consider it.

Each proposed amendment must be on members' desks before it can be voted on.[15] This is normally done electronically.[16]

Form of Amendments

Amendments approved in committee are considered automatically adopted. Such "committee" amendments must be available to members at their desks when a bill is called for Second Reading.[17]

Amendments are numbered in the order offered, and an amendment's number never changes. Any floor amendments approved by the Rules Committee for consideration by the full house are taken up on the floor in numerical order. They may be adopted on the floor by a voice vote ("All in favor vote 'aye' . . . all opposed vote 'nay' . . . ."). Or if there is a request for a "roll call" (showing how each member voted), members vote using the switches on their desks, which are connected to the electronic voting board.

After all amendments have been considered, the bill has passed Second Reading and advances to the order of Third Reading.

Third Reading

Third Reading is the pass-or-fail stage in each house. The Illinois Constitution requires a recorded vote showing how each member voted on a bill at this stage.[18]

Recall to Second Reading

Bills cannot be amended while on Third Reading. But with the consent of the body, a bill can be returned from Third Reading to the order of Second Reading to add an amendment. But such an amendment is a floor amendment, and thus must go to the Rules Committee for approval. With the amendment added, the bill can return to Third Reading. This is a fairly common procedure. It is done if technical errors are discovered in a bill, or the sponsor discovers the need for an amendment to aid its passage.

By tradition in the Senate, if a bill is returned to Second Reading, after the bill is restored to Third Reading there must be at least one act of intervening business before the bill can be considered again. A sponsor may ask leave of the body to take a bill back to Second Reading at any time before completion of a vote on Third Reading.

At any time before a final vote on a bill, the sponsor can have it tabled with leave of the full house. If it is a committee bill, the vote must be by a majority of all members elected (a "constitutional majority," discussed below).[19]

Floor Debate

If a bill is on Third Reading, the sponsor (if prepared to take it up) will be recognized to describe the bill and its purposes, and ask for its passage.

After the sponsor has opened debate, any member may seek recognition from the chair, and when recognized, speak for or against the bill. No senator may speak more than 5 minutes on a question without the consent of the body;[20] speak more than once until every senator wanting to speak has spoken once; or speak more than twice on the same question.[21] No representative may speak more than 5 minutes at a time, or more than once on a question, without the consent of the House—except that if a bill is on "unlimited debate" status, the principal sponsor has 10 minutes to open debate and 5 minutes to close.[22] In either house, members may yield part or all of their allotted time to other members, allowing them to speak longer. Yielding debate time is permitted by rule in the House[23] and by custom in the Senate.

After all the members who want to speak have addressed the bill, the sponsor is allowed to close debate. Or if debate is lengthy, a member may "move the previous question" (that is, move that debate be cut off and the bill be voted on immediately). A motion for the previous question is nondebatable; a vote on it must be taken immediately.[24] But it should be used sparingly, since if successful it will prevent any additional speakers from addressing the issue.

Majorities Required for Passage

To pass on Third Reading, a bill must have the affirmative vote of a so-called "constitutional majority" of the members.[25] This means a majority of all the members who were elected (30 in the Senate or 60 in the House). In addition, to have some kinds of effects a bill must be passed by three-fifths of the members elected (36 in the Senate or 71 in the House). Those effects are:

- Making a bill passed after May 31 take effect before June 1 of the following year.[26]
- Restricting powers of home-rule units if the state itself does not exercise those powers.[27]
- Incurring long-term state debt without a statewide referendum.[28]

If a session extends beyond May 31, and a constitutional majority but fewer than three-fifths of the members elected to a house vote for a bill that contains an effective date before June 1 of the next year, the bill is not declared passed. But its sponsor can take it back to Second Reading and offer an amendment (subject to approval by the Rules Committee in the Senate, or the proper committee in the House) to delete the clause calling for an early effective date. If the amendment succeeds, the bill can again be taken up on Third Reading.[29] There are similar provisions for bills proposing to restrict home-rule powers that fail to get a three-fifths majority.[30]

Postponing Consideration

In either the House or the Senate, if a bill is failing to get a constitutional majority as shown on the electronic voting board's running total, but has the votes of approximately two-fifths of all members elected (24 in the Senate or 47 in the House), then *before* the presiding officer announces its fate the sponsor can move that consideration of it be postponed. The bill is then put on the calendar on the order of bills on postponed consideration. This lets the sponsor halt further action on the bill, and call it for passage at a later time when that order of business is taken up. No bill may be put on postponed consideration more than once.[31] If leave is granted to postpone consideration, the bill is taken "out of the record" and no roll call is recorded in the Journal.

Verification

A parliamentary tactic often used at the end of a roll call is a motion to verify the roll call. This is done if opponents question whether all the members shown as having voted for the bill were actually on the floor and voting. To verify the roll call, the Clerk or Secretary calls the name of each member listed as voting for the bill. (If the roll call is on a question that had to be decided by a majority of those voting on the question, it can also be necessary to verify the negative roll call.) As each member's name is called, the member calls out his or her vote, and the recording officer repeats the name and the vote. The name of any member who fails to respond is removed from the affirmative roll call. If enough votes are removed to reduce the majority below that needed for passage, the bill is defeated (unless the sponsor gets consideration postponed). A vote that has been removed will be restored to the affirmative roll call if the member returns to the floor and is recognized by the presiding officer before the final result of the verification is announced.

The rules prohibit members from changing their votes during verification.[32]

"Lock-up" Motion

In each house one last motion, commonly called a "lock-up" motion, can be made within one legislative day after a roll call, but only by a person who was on the prevailing side in that vote. In a lock-up motion, the member moves to reconsider the vote by which the bill passed (or failed). A member who also voted with the majority then moves to table the first member's motion.[33]

In the case of a bill that passed, this motion (if successful) prevents any reconsideration of the bill in that house; it will leave that house and go to the other house. In the case of a bill that failed, the "lock-up" motion for practical purposes buries it after it has been killed on the roll call.[34]

(Any bill described here as "killed" or "buried" during a session of the General Assembly suffers only a tentative death until that General Assembly itself adjourns at the end of its 2 years. Rules can be suspended or amended, tabling motions can be reconsidered, and bills can be resurrected—*if* the votes are there to do so.)

Special Calendars

Not every bill is a matter of deep partisan division or confrontation between strong interests. Most bills generate less conflict, and many are almost noncontroversial. Each house has procedures to allow such bills to pass without unnecessary consumption of time.

House Consent and Short Debate Calendars

The House has devised two orders of business to identify and dispose of noncontroversial bills expeditiously: the Short Debate Calendar and the Consent Calendar.

If a bill in the House receives no negative votes in committee, the committee may put it on the Consent Calendar. A bill on that calendar is assumed to have no opposition and cannot be amended or debated on the floor. But members may ask questions about it and the sponsor may answer them. No bill or resolution requiring an extraordinary majority may be put on the Consent Calendar. All bills at passage stage on the Consent Calendar each day are moved and voted in a single roll call.[35]

A bill may be removed from the Consent Calendar before passage if its placement on that calendar is challenged by any one of six members appointed by the Speaker and Minority Leader to examine the Consent Calendar; by any four members of the House; or by the principal sponsor. A bill so removed cannot be put on the Consent Calendar again in that session without the consent of the person(s) who had it removed. A bill so removed goes to the Short Debate Calendar.[36]

If three-fifths of the members of a committee who are present vote in its favor, it is to be given Short Debate status.[37] The Short Debate Calendar is a useful method for limiting debate at times during the session when the regular calendar, and the hours in session, are growing longer.

Bills on the Short Debate Calendar are moved and voted individually like those on the regular calendar. But debate time is limited to 5 minutes per bill. The sponsor, or a proponent designated by the sponsor, gets 2 minutes to open; an opponent gets 2 minutes; and the sponsor gets 1 minute to close. If seven members so request before the close of debate, the bill will be opened to standard debate.[38]

The House also has an "Agreed Bill list." This is a list of noncontroversial bills that are given expedited consideration in committee and on the floor.

The Senate has neither a short debate calendar nor an Agreed Bill list.

Out of the First House, Into the Second

If a bill survives hostile witnesses, criticism in committee, and debate in the first house, it goes to the second house for more of the same.

When the bill arrives in the second house, the Secretary or Clerk reads a message saying that the bill has passed the first house and asking the second house to give it favorable consideration. The bill is then ordered printed and put on the order of First Reading. Each bill retains its original number when it moves to the second house. For example, Senate Bill 1234 is still Senate Bill 1234 while it is in the House, and House Bill 3456 is still House Bill 3456 in the Senate. After a member of the second house accepts sponsorship of the bill, it is officially read a first time and referred to committee.

From that point on, the procedure in the second house is essentially the same as in the first house.

If a bill passes the second house without amendment there, it has achieved final legislative passage and will be sent to the Governor.

Concurrence; Conference Committees

If the House and Senate pass different versions of a bill, a way must be found to resolve their differences or the bill will die. The first effort at such a resolution is made when the second house returns the bill to the first house and requests concurrence in its amendment(s). If the first house concurs in each amendment by the second house, the bill has achieved final passage and will be sent to the Governor.

If the first house refuses to concur, it sends a message to the second house asking it to recede from its amendment(s). If the second house recedes, the bill has achieved final passage and will go to the Governor.

If the second house refuses to recede, it requests appointment of a conference committee to seek a compromise. The leadership in each house appoints five persons to the committee—three from the majority party and two from the minority party.[39] A majority of all members of the committee must sign a conference report for it to go to the two houses for adoption.[40] Reports of conference committees cannot be amended when sent to the floor, but must be either adopted or rejected—although they may be "corrected" as described in the next paragraph.

If a conference committee says that it cannot agree on a report, or one house rejects its report, a second conference committee can be appointed. No more than two conference committees can be appointed for one bill.[41] However, a second conference committee report can be "corrected" if some imperfection is found in it whose correction can bring adoption. This is an informal procedure that has developed outside the rules.

In each house, bills returned to the first house for concurrence with the second house's changes, and conference committee reports, are first referred to the Rules Committee for approval before being considered by the whole house. The Rules Committee can in turn refer the changes and conference committee reports to a standing committee for its approval.[42] If both houses adopt a conference committee report on a bill, the bill has achieved final passage.

After final passage of a bill, it is "enrolled" by its house of origin. This means it is compiled in its final legislative version. As required by the Constitution, the President of the Senate and Speaker of the House sign the bill to certify that all procedural requirements have been met.[43] The bill is then ready to go to the Governor.

Governor's Action on Bills

Within 30 days after passage, a bill must be sent to the Governor. If he approves the bill, he signs it and it becomes a Public Act. If the Governor does not approve the bill, he vetoes it by returning it with objections to the house where it originated. (If the General Assembly is not in session then, he files it with the Secretary of State, who forwards it and the veto message when the General Assembly returns.) If the Governor does not act on a bill within 60 days after it gets to him, it becomes law without his signature.[44]

The Illinois Constitution allows the Governor to make any of four kinds of vetoes to a bill: total, amendatory, item, or reduction. The last two apply only to appropriation bills. In practice, amendatory vetoes are used only on substantive bills. The following discussion describes each kind of veto, the possible legislative responses to it, and the effective date of the resulting law if the General Assembly repasses the bill.

Total Veto

The Governor may reject an entire bill and return it with a statement of objections to the house where it originated. That house enters the objections on its journal. It may then, within 15 calendar days after receiving the bill, vote on an override. If that house, by vote of at least three-fifths of the members elected to it (71 in the House, 36 in the Senate), repasses the bill despite the veto, the bill goes to the second house. If the second house within 15 calendar days repasses the bill by vote of at least three-fifths of the members elected to it, the bill becomes a law. Otherwise it is dead.[45]

Amendatory Veto

A Governor who approves the general purpose of a bill, but finds fault with one or more of its details, can return the bill "with specific recommendations for change" to the originating house. In practice this has meant that the Governor returns the bill with a proposed 'amendment' setting forth the exact text of each suggested change. The Constitution says an amendatorily vetoed bill is to be considered the same way as a vetoed bill, except that each house can accept the Governor's recommendations by a mere constitutional majority (60 votes in the House and 30 in the Senate).[46]

Thus the General Assembly can respond to an amendatory veto in any of three ways:

(1) Overriding the veto by three-fifths vote in each house. In that case the bill becomes law in the same version in which the General Assembly originally passed it.

(2) Accepting the Governor's recommendations by only a constitutional majority in each house. In that case the bill is returned to the Governor, and if he certifies that it conforms to his recommendations, it becomes a law. The Constitution does not say how long the Governor has to certify a bill (or to return it as a vetoed bill).

(3) Neither accepting the Governor's proposed changes, nor overriding the amendatory veto. In this case the bill is dead.

Item and Reduction Vetoes

Item and reduction vetoes allow a Governor to cut parts ("line items") from appropriation bills without vetoing them entirely. In an item veto, the Governor eliminates an entire line item; in a reduction veto, he merely reduces the amount of a line item. In either event, the amounts in the bill not eliminated or reduced become law immediately upon the Governor's transmission of his veto message saying what amounts he has cut. But the majorities needed to restore those amounts differ. A line item that has been vetoed is treated like a completely vetoed bill; a three-fifths majority in each house is needed to restore it. On the other hand, an item that has been reduced can be restored to its original amount by a constitutional majority in each house.[47]

House and Senate rules set forth the formats of motions to respond to vetoes.[48]

Effective Dates of Laws

A law does not necessarily take effect immediately after enactment. A law is enacted as soon as the last step required for its enactment has been taken. That may be (1) the Governor's signing it, (2) failure of the Governor to act on it within 60 days after receiving it, (3) override of a veto, or (4) certification by the Governor that the bill conforms to the recommendations in an amendatory veto. If any of those things happens, a new law has been enacted and the Secretary of State will assign it a Public Act number.

However, when the new law will take effect depends on several facts. The Constitution says that a bill passed in any calendar year before the intended session end (midnight May 31), with no effective date in its text, will take effect on a uniform date set by statute.[49] A statute sets that date as January 1 of the next year.[50] Or such a bill may set an effective date in its text, which can be earlier or later than January 1.[51] (Many bills say that they are to take effect upon becoming law.)

In the case of a bill passed after May 31 in a calendar year, the Constitution says the resulting law cannot take effect until June 1 of the following year, *unless* it contains a specific earlier effective date *and* is passed by three-fifths of the members elected to each house.[52]

If a bill is totally vetoed, but the veto is overridden, its effective date is determined as if the Governor had signed it. That is, if it passed both houses in the same form before midnight May 31, it will take effect on its stated effective date if any; or if none is stated, on the following January 1.[53]

Determining the effective date of a law resulting from an amendatorily vetoed bill is more complex. The result depends on when the bill was "passed" as that term is used in the Constitution. If the General Assembly accepts the Governor's recommended changes, the bill is "passed" for effective-date purposes on the day those changes are accepted by the second house. If that is after May 31 and the recommended changes are accepted by a majority but fewer than three-fifths of the members elected in each house, the effective date of the law will be June 1 of the next year.[54] Thus if a law resulting from acceptance of an amendatory veto is to take effect earlier, it must contain an earlier effective date and be repassed after the Governor's amendatory veto by three-fifths of the members elected to each house.

On the other hand, if the General Assembly *overrides* the amendatory veto, the bill will become law in the version in which it originally left the General Assembly. It apparently will then be treated for effective-date purposes as if it had been totally vetoed and the veto overridden.[55] If it originally passed both houses (in the same form) before midnight May 31, it will then take effect on its stated effective date if any, or otherwise on the following January 1.

In the case of item and reduction vetoes, there is no similar complexity regarding effective dates. But some temporary confusion can be caused by the constitutional provision that line items not reduced in an otherwise item- or reduction-vetoed bill become law immediately.[56]

All these rules are subject to one additional rule: A law's effective date cannot precede the day it becomes law.[57] For example, if a bill is passed before midnight May 31, and says that it will take effect immediately, but it is signed by the Governor (and thus becomes law) on August 15, its effective date is August 15. (However, on at least one occasion, in 1984, the Illinois Supreme Court has applied a change in law that had been passed by the General Assembly but was not yet effective when the relevant events took place. The General Assembly passed a bill to change the criteria for the death penalty shortly before a murder was committed, but its enactment was delayed by an amendatory veto on a different issue. Applying that change to the defendant benefitted him by making him ineligible for the death penalty.[58])

Votes Necessary to Respond to Vetoes

The following table summarizes the legislative majorities necessary to act on each kind of veto.

Type	*Result desired*	*Majority required*	*Votes needed* *House*	*Senate*
Total	Override	3/5	71	36
Amendatory	Override	3/5	71	36
	Accept	Constitutional majority*	60*	30*
Item	Restore	3/5	71	36
	Accept	(No legislative action needed)		
Reduction	Restore	Constitutional majority	60	30
	Accept	(No legislative action needed)		

* If the General Assembly after May 31 accepts the Governor's recommendations, the resulting law cannot take effect until June 1 of the next year unless (1) it contains an earlier effective date and (2) at least a three-fifths majority in each house votes to accept the Governor's changes.

Other Kinds of Measures

Constitutional Amendment Resolutions

The General Assembly can send proposed amendments of the Illinois Constitution to the voters for their approval. This is done by joint resolution of the House or Senate. After introduction in either house, such a joint resolution follows a legislative path like that of a bill: First Reading, assignment to committee, report to the floor, Second Reading, Third Reading, and passage or defeat. If passed in the first house, it then follows a similar path in the other house. But there are two major differences from consideration of bills: (1) The vote required in each house to pass a proposed constitutional amendment is three-fifths of the members elected to that house. (2) A proposed constitutional amendment does not go to the Governor for approval. Instead, proposed constitutional amendments that pass both houses go on the ballot at the next general election occurring at least 6 months after final passage by the General Assembly.[59] Thus, a proposed constitutional amendment originating in the General Assembly must pass both houses by early May of an even-numbered year if it is to get on the ballot at that year's November election. The General Assembly cannot propose amendments to more than three articles of the Constitution to be voted on at any one election.[60]

A proposed amendment is approved and becomes part of the Constitution if it gets the favorable votes of either (a) three-fifths of the persons who vote on it at the election or (b) a majority of all persons who vote in the election.[61]

Another method is also provided for amending the Illinois Constitution: an initiative to amend the Legislative article. A petition signed by at least 8% of the number of voters who voted for candidates for Governor in the last election can propose amendments, limited to "structural and procedural" subjects in that article.[62] This method has been successful only once, in the so-called "Legislative Cutback Amendment" that was approved in 1980. It reduced the size of the House by one-third and eliminated cumulative voting, which had been used in House elections.

Constitutional Convention Proposals

Also by vote of three-fifths of the members elected to each house, the General Assembly can send to the voters the question whether to call a constitutional convention. A referendum on this question will then be held at the first general election occurring at least 6 months after adoption of that resolution. If three-fifths of those voting on the question, or a majority of persons voting at the election, approve this proposal, the next General Assembly must enact a law providing for electing delegates and organizing the convention. The Constitution also requires the Secretary of State to put the question of calling a constitutional convention to the voters once every 20 years if the General Assembly has not done so during that period.[63] That question was last put on the ballot in 1988, and was not approved by voters.

Proposed amendments to the U.S. Constitution, sent by Congress to the states for ratification, are also handled as House or Senate joint resolutions. Under the rules, they are referred to a committee in each house, and if reported favorably from committee and adopted by three-fifths of members elected, are ratified.[64] States cannot amend proposed amendments to the U.S. Constitution.

Executive Reorganization Orders

Under the previous (1870) Illinois Constitution, reorganization of executive agencies under the Governor was possible only by legislative revision of the laws that established those agencies. The 1970 Constitution streamlined this procedure, allowing the Governor to reorganize by executive orders. Until then, internal management reorganizations of an agency could take place only if they were consistent with the statute establishing the agency. Under the 1970 Constitution, the Governor can contravene such statutes by executive order if the General Assembly does not disapprove.

Whenever the Governor issues an executive order proposing a reorganization that would contravene a statute, a copy of the order is filed with the General Assembly. This must be done by April 1 in an annual session for the proposal to be considered during that session; otherwise the proposal will be considered at the start of the next annual session. If neither house disapproves of the order within 60 calendar days, it takes effect. A majority of the members elected to either house is needed to disapprove an executive reorganization order.[65]

Upon receipt in the House and Senate, an executive reorganization order is referred to a standing committee for hearing and recommendation. No floor action can occur on an executive reorganization order unless it is reported by committee or the committee is discharged from considering it.[66]

A statute on this subject attempts to limit the Governor's reorganization authority to reassignment of existing duties and functions among agencies under him. He cannot invent new responsibilities or repeal existing ones by executive order; that must still be done by statute. But the Governor can provide for creation of a new department to consolidate or separate some or all functions of some existing agencies. The statute also prohibits the Governor from reorganizing some independent regulatory boards by executive order.[67] Nothing in the constitutional section on executive reorganization prevents the General Assembly from reorganizing departments by statute. Statutory duties of other executive-branch officers can be reorganized only by statute.

If the General Assembly does not reject an executive reorganization order, the Legislative Reference Bureau drafts a revisory bill incorporating the provisions of the order,[68] and the General Assembly routinely passes it. Thus the statutes will reflect the changes made by the executive reorganization.

Resolutions

Resolutions are the major methods the General Assembly uses to declare itself on a subject. A resolution typically states the grounds for its declaration in a series of "Whereas" clauses, then expresses the legislative will by saying "Be it resolved that . . . ."

The most common uses of resolutions are setting a date for adjournment for the week and the date for reconvening the next session week; adopting rules; expressing congratulations or condolences; creating committees or commissions; urging some public official or body to do something; or proposing a constitutional amendment. Resolutions in each General Assembly are indexed by type and subject in the *Legislative Synopsis and Digest* and listed on the General Assembly Web site.

There are House resolutions, Senate resolutions, House joint resolutions, and Senate joint resolutions. A House or Senate resolution, if passed by its house, expresses the will of that house. A joint resolution, if passed by both houses, expresses the will of the General Assembly.

Unless a resolution proposes a constitutional amendment, or is of another type which the rules require a specific majority to pass,[69] it can be adopted by a majority of those voting. Noncontroversial resolutions, such as those expressing congratulations or condolences, are put on a consent calendar and moved on one roll call in either house.

More substantive resolutions in either house are referred to a standing committee for its recommendation before going to the floor for a vote. Resolutions can be amended and debated on the floor before adoption or rejection.

Adjournment

The Constitution says that neither house may adjourn for more than 3 days without the other's consent.[70] This is a common constitutional provision in states with two-house legislatures[71] to compel the houses to coordinate their working schedules. Thus the two houses must agree on any period of adjournment exceeding 3 days. This is done by adopting a joint resolution. The joint resolution, which can originate in either house, says that when that house adjourns on a particular date it will stand adjourned until a particular date and time, and when the second house adjourns on a particular date it will stand adjourned until a particular date and time.

A joint resolution on adjournment is usually adopted each week the General Assembly is in session until late in the session, when the two bodies may meet longer than a week with no breaks of as long as 3 days.

On rare occasions the two houses have gotten into such disagreement with each other that they could not agree on adjournment. In that case, if one house certifies to the Governor that a disagreement exists between the houses as to the time of adjourning a session, the Governor may adjourn the session—but not to a time later than the beginning of the next annual session.[72]

Legislative History

As a bill is passed, it leaves a trail of records that can be examined later by interested legal researchers and historians. They are described below.

Journals and Debate Transcripts

The Illinois Constitution requires each house to keep and publish a journal of its proceedings, and to keep and make available a transcript of its debates.[73] This work is done by the Clerk of the House and Secretary of the Senate.

The journal of each house is prepared from a variety of printed forms that are filled in as actions take place. The journals are printed during the night, for distribution to members before the next day's session. Late in the session, when bills are advanced or passed rapidly, the printed journal may not be ready until late the following day or even on the second day after its date. At the opening order of business for reading the journal of the previous day, members can call attention to any errors in it and move their correction.

After the close of the session, the daily journals are bound and indexed by bill number, sponsor, and subject. This is done by the Secretary of State's office and the Legislative Information System.

All floor debate is recorded on audiotape, and verbatim transcripts are prepared and kept by the Clerk of the House and Secretary of the Senate. The transcripts are not published, but copies are available from those offices, and later from the Secretary of State's Index Department and the State Library. Some transcripts and video recordings of House sessions are also offered on the General Assembly Web site.

Calendars

The discussion earlier in this chapter described bills as being on the legislative calendar on some order of business. Each house prints a calendar for each session day. The printed daily calendar is prepared by the Clerk or the Secretary and put on members' desks before each session. It lists all bills in numerical order with sponsors' names and abbreviated synopses, under the order of business each bill is at in the legislative process (such as Second Reading or Third Reading). Appropriation bills are listed in boldface type; each bill that has been amended has a capital "A" next to it. Substantive resolutions are also listed on the calendar. Only bills, substantive resolutions, and formal motions in writing then pending before the whole house for disposition are on the daily calendar. Matters in committee are not listed. But the calendar does list committee meetings that are scheduled, and bills set for a hearing in each committee on that day. Daily calendars are distributed and

are available in the House and Senate bill rooms. When the legislative workload becomes heavy, a supplemental calendar is printed. This happens most often in the late days of a session when there is much traffic in concurrences and conference committee reports between the houses.

Legislative Synopsis and Digest

The Legislative Reference Bureau prepares the weekly *Legislative Synopsis and Digest*. The "*Digest*" starts each year as a slim paperbound book, but during the spring session it grows to four thick paperbound volumes. It contains a brief summary of each bill and resolution introduced, in numerical order. It also summarizes amendments adopted, and the content of any note (such as a fiscal note) on the bill. After each such bill's digest is a brief synopsis showing every legislative action taken on it to date. The last line of the bill's synopsis shows its latest status. The *Digest* also indexes bills and resolutions by subject matter and sponsor, and indexes bills by the parts of the Illinois Compiled Statutes they would add, amend, or delete.

The *Digest* appears each week during the session, showing action through the previous Friday. It is cumulative for that year's session. In the second year of a General Assembly it also shows bills still active from the first year. A Final edition of the *Digest* is issued after the close of the session. The *Digest* is provided without charge to legislators and some other government offices; other persons can subscribe to it for $55 per year.

Up-to-date information on legislative action on bills is available on the General Assembly Web site, maintained by the Legislative Information System (LIS), and in printed daily LIS reports. These are valuable aids to legislators and the interested public.

Session Laws

After each annual session of the General Assembly has closed, and the Governor has acted on all bills, the Secretary of State publishes the bound *Laws of Illinois* for that year, containing all of that year's Public Acts and executive orders.

Statutory Compilation

The Illinois Compiled Statutes is the official codification of Illinois laws. It classifies by subject all Illinois laws of a permanent nature (thus excluding appropriations). The citation for each section has three numbers. They are (1) the chapter in the Illinois Compiled Statutes being cited, (2) the act within that chapter being cited, and (3) the section within that act being cited. The Illinois Compiled Statutes are available on the General Assembly Web site and on CD-ROM discs from private legal publishers, making it possible to search them by computer for particular words or combinations of words.

Notes

1. Ill. Const., art. 4, subsec. 8(d), second paragraph.
2. Ill. Const., art. 4, subsec. 8(d), first paragraph.
3. House Rule 37(e) and Senate Rule 5-1(e), 93rd General Assembly.
4. See House Rule 37(b) and Senate Rule 5-1(b), 93rd General Assembly.
5. House Rule 37(c) and Senate Rule 5-1(c), 93rd General Assembly.
6. See House Rule 37(a) and Senate Rule 5-1(a), 93rd General Assembly.
7. House Rule 37(b) and Senate Rule 5-1(b), 93rd General Assembly.
8. House Rule 40(b) and Senate Rule 5-4(b), 93rd General Assembly.
9. House Rule 22(a) and Senate Rule 3-11(a), 93rd General Assembly.
10. House Rule 24(a) and Senate Rule 3-12(a), 93rd General Assembly.
11. House Rule 61(a) and Senate Rule 7-11(a), 93rd General Assembly.
12. House Rule 58 and Senate Rule 7-9(a), 93rd General Assembly.

13. House Rule 14(a) and Senate Rule 3-3(b), 93rd General Assembly.
14. House Rule 18(e) and Senate Rule 3-8(b), 93rd General Assembly.
15. House Rule 40(d) and Senate Rule 5-4(d), 93rd General Assembly.
16. See House Rule 39 and Senate Rule 2-7(b)(3), 93rd General Assembly.
17. House Rule 40(d) and Senate Rule 5-4(d), 93rd General Assembly.
18. Ill. Const., art. 4, subsec. 8(c).
19. House Rule 60(b) and Senate Rule 7-10(b), 93rd General Assembly.
20. Senate Rule 7-3(g), 93rd General Assembly.
21. Senate Rule 7-3(g), 93rd General Assembly.
22. House Rule 52(e) and (a)(4), 93rd General Assembly.
23. House Rule 52(e), 93rd General Assembly.
24. See House Rule 59 and Senate Rule 7-8, 93rd General Assembly.
25. Ill. Const., art. 4, subsec. 8(c).
26. Ill. Const., art. 4, sec. 10.
27. Ill. Const., art. 7, subsec. 6(g).
28. Ill. Const., art. 9, subsec. 9(b).
29. House Rule 69(b) and Senate Rule 7-19(b), 93rd General Assembly.
30. House Rule 70 and Senate Rule 7-20, 93rd General Assembly.
31. House Rule 62 and Senate Rule 7-12, 93rd General Assembly.
32. House Rule 50 and Senate Rule 7-6(e), 93rd General Assembly.
33. House Rule 65(a) and (c), and Senate Rule 7-15(a) and (c), 93rd General Assembly.
34. House Rule 65(c) and Senate Rule 7-15(c), 93rd General Assembly.
35. House Rule 42(b) to (e), General Assembly.
36. House Rule 42(f), 93rd General Assembly.
37. House Rule 22(h), 93rd General Assembly.
38. House Rule 52(a)(1), 93rd General Assembly.
39. House Rule 73(c) and Senate Rule 8-2(c), 93rd General Assembly.
40. House Rule 74(b) and Senate Rule 8-3(b), 93rd General Assembly.
41. House Rule 76(c) and Senate Rule 8-5(b), 93rd General Assembly.
42. House Rule 18(e) and Senate Rule 3-8(b), 93rd General Assembly.
43. Ill. Const., art. 4, subsec. 8(d).
44. Ill. Const., art. 4, subsecs. 9(a) and (b).
45. Ill. Const., art. 4, subsecs. 9(b) and (c).
46. Ill. Const., art. 4, subsec. 9(e).
47. Ill. Const., art. 4, subsec. 9(d).
48. See House Rule 80 and Senate Rule 9-4, 93rd General Assembly.
49. Ill. Const., art. 4, sec. 10, first sentence.
50. 5 ILCS 75/1 ff.
51. Ill. Const., art. 4, sec. 10, second sentence.
52. Ill. Const., art. 4, sec. 10, last sentence.
53. *City of Springfield v. Allphin*, 74 Ill. 2d 117, 384 N.E.2d 310 (1978).
54. *People ex rel. Klinger v. Howlett*, 50 Ill. 2d 242, 278 N.E.2d 84 (1972); *Mulligan v. Joliet Regional Port Dist.*, 123 Ill. 2d 303, 527 N.E.2d 1264 (1988).
55. *People ex rel. AFSCME v. Walker*, 61 Ill. 2d 112, 332 N.E.2d 401 (1975) seems to support this conclusion, but is not entirely clear on it (since the amendatory veto there was overridden by more than three-fifths in each house). However, Attorney General's Opinion S-890 (1975 Ops. Atty. Gen., p. 77) and the Illinois Supreme Court's reasoning in other effective-date cases support the conclusion stated in the text.
56. See Ill. Const., art. 4, subsec. 9(d).
57. See 5 ILCS 75/1 and 75/2.

58. *People v. Kellick*, 102 Ill. 2d 162, 464 N.E.2d 1037 (1984).
59. Ill. Const., art. 14, subsec. 2(a).
60. Ill. Const., art. 14, subsec. 2(c).
61. Ill. Const., art. 14, subsec. 2(b).
62. Ill. Const., art. 14, sec. 3.
63. Ill. Const., art. 14, subsecs. 1(a) to (d).
64. House Rule 47 and Senate Rule 6-3, 93rd General Assembly.
65. Ill. Const., art. 5, sec. 11.
66. House Rule 16(d) and Senate Rule 3-6(c), 93rd General Assembly.
67. 15 ILCS 15/1 ff.
68. 15 ILCS 15/10.
69. See House Rule 45(b) and Senate Rule 6-1(b), 93rd General Assembly.
70. Ill. Const., art. 4, subsec. 15(a).
71. Nebraska, alone among the states, has a single-house (unicameral) legislature.
72. Ill. Const., art. 4, subsec. 15(b).
73. Ill. Const., art. 4, subsec. 7(b).